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13
14 **UNITED STATES DISTRICT COURT**
15
16 **DISTRICT OF NEVADA**

17 CARRINGTON MORTGAGE SERVICES,
18 LLC;

19 Case No. 2:16-cv-01780-JCM-PAL

20 Plaintiff,

21 vs.

22 MONTECITO VILLAGE COMMUNITY
23 ASSOCIATION; NEVADA ASSOCIATION
24 SERVICES; PREMIER ONE HOLDINGS,
25 INC.; DOE INDIVIDUALS I-X, inclusive, and
26 ROE CORPORATIONS I-X, inclusive,

27 **STIPULATION AND ORDER FOR
28 DEADLINE TO FILE RENEWED
MOTIONS FOR SUMMARY JUDGMENT
(FIRST REQUEST)**

29 Defendants.

30 Carrington Mortgage Services, LLC (**Carrington**), Montecito Village Community
31 Association (**Montecito**), and Premier One Holdings, Inc. (**Premier One**), hereby stipulate and
32 agree as follows:

33 On July 7, 2017, this court granted Montecito and Premier One's motions for summary
34 judgment and denied Carrington's motion for summary judgment [ECF No. 38]. Carrington filed a
35 notice of appeal to the United States Court of Appeals for the Ninth Circuit on August 3, 2017. On
36 May 6, 2019, the Ninth Circuit issued an order stating that it had recently held that the Nevada
37 statutory scheme that grants a homeowners association a lien with super-priority status is no longer
38 controlled by the analysis in *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154
39 (9th Cir. 2016) in light of the Nevada Supreme Court's decision in *Bank of America, N.A. v. SFR*

1 *Investments Pool, LLC*, 427 P.3d 113 (Nev. 2018). Because the instant case raises similar issues and
 2 procedural posture, the Ninth Circuit was inclined to vacate the district court's decision and remand
 3 for further consideration. No objections were filed, and the case was remanded on July 18, 2019
 4 [ECF No. 45] for further proceedings.

5 Based on the remand, the parties stipulate that re-filing summary judgment motions is
 6 appropriate and agree summary judgment briefs shall be due **September 16, 2019**.

7 DATED this 19th day of August, 2019.

<p>8 AKERMAN LLP</p> <p>9 /s/ <u>Tenesa S. Powell</u></p> <p>10 NATALIE L. WINSLOW, ESQ.</p> <p>11 Nevada Bar No. 12125</p> <p>12 TENESA S. POWELL, ESQ.</p> <p>13 Nevada Bar No. 12488</p> <p>14 1635 Village Center Circle, Suite 200</p> <p>15 Las Vegas, NV 89134</p> <p>16 <i>Attorneys for Carrington Mortgage Services, LLC</i></p>	<p>8 MORRIS LAW CENTER</p> <p>9 /s/ <u>Timothy Wiseman</u></p> <p>10 SARAH A. MORRIS, ESQ.</p> <p>11 Nevada Bar No. 8461</p> <p>12 TIMOTHY A. WISEMAN, ESQ.</p> <p>13 Nevada Bar No. 13786</p> <p>14 5450 W. Sahara Avenue, Suite 330</p> <p>15 Las Vegas, NV 89146</p> <p>16 <i>Attorney for Premier One Holdings, Inc.</i></p>
<p>17 ALVERSON, TAYLOR, MORTENSEN & SANDERS</p> <p>18 /s/ <u>Kurt Bonds</u></p> <p>19 KURT R. BONDS, ESQ.</p> <p>20 Nevada Bar No. 6228</p> <p>21 6605 Grand Montecito Parkway, Suite 200</p> <p>22 Las Vegas, NV 89149</p> <p>23 <i>Attorneys for Montecito Village Community</i></p> <p>24 <i>Association</i></p>	

21 **ORDER**

22 **IT IS SO ORDERED:**

23 
 24 **UNITED STATES DISTRICT COURT JUDGE**

25 August 29, 2019

26 DATED: _____